

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.1423 OF 2018

JUDGMENT: (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned Senior Counsel appearing for the appellant-writ petitioner and the learned Government Pleader for Prohibition and Excise, for the respondents.

2. The petitioner's licence to vend I.M.F.L. has been put under suspension following the preparation of a panchanama in the course of search. We are told that the premise of the action is the alleged over-pricing of a commodity, which was sold from the premises in question. Learned counsel for the appellant relying on the decision of the Full Bench of this Court in **Tappers Co-operative Society, Maddur vs. Superintendent of Excise, Mahaboobnagar**¹ argued for the position is that interim suspension cannot be issued as a matter of course and it should be a guarded exercise in exceptionally exceptional situations. He, thus, impeaches the decision of the learned Single Judge refusing to interfere with the order of the interim suspension of licence. The learned Single Judge had also relegated the appellant to the statutory authority for concluding the proceedings within a period of two weeks.

3. Hearing the learned Government Pleader for Prohibition and Excise appearing for the respondents, we see that whatever be the procedure that has to be adopted, the question whether the interim suspension should continue or not is itself an issue, which should be decided by the Excise Superintendent-the 4th respondent herein. That action and further action, if any, on the basis of the search and

¹ 1984 (2) APLJ 1

panchanama shall be concluded within a period of one week from today. The learned Government Pleader for Prohibition and Excise will inform the said Officer of the contents of this judgment even without awaiting issuance of a copy of the judgment of this Court.

4. The Writ Appeal is ordered accordingly clarifying that we have not expressed anything on the merits of the matter pending before the statutory authority.

As a sequel thereto, miscellaneous applications, if any, pending in the Writ Appeal shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

25th October, 2018.

pnb

